

REMARKS

Claims 1-40 are pending. In the non-final Office Action dated January 15, 2008, the Office rejected claims 1-40 under 35 U.S.C. § 102(b) as allegedly anticipated by International Patent Application No. WO 68160 (citations to U.S. Patent No. 6,615,987) ("Greenhill"). Applicant respectfully traverses the rejections.

In order to anticipate, each element of claims 1-40 must either be explicitly disclosed or necessarily present in a single prior art reference, such as within the four corners of Greenhill. See MPEP § 2131; *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999); *Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264, 1269 (Fed. Cir. 1991). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the patent claim." *Richardson v. Suzuki Motor Co., Ltd.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989) (citations omitted). Under those well-accepted standards, Greenhill cannot anticipate the pending claims of this application.

Independent claims 1, 35, and 38, which are all directed to methods for the treatment of kaolin particulate material, recite a combination of elements that distinguish those methods from the methods of Greenhill. For example, independent claim 1 recites, *inter alia*, a step of "selecting at least one selective flocculation polymer" that "has a measured anionicity ranging from about 1% to about 12%." Independent claim 35 recites, *inter alia*, the step of "selecting at least one selective flocculation polymer" where the "at least one polymer has a narrow range of variability for measured anionicity and has a measured anionicity ranging from about 1% to about 12%." Finally, in the step of "selecting at least one selective flocculation polymer" recited, *inter alia*, in independent claim 38, the at least one selective flocculation polymer includes a

combination of having “been manufactured by a continuous process and [having] a measured anionicity ranging from about 1% to about 12%.” To anticipate, Greenhill must disclose methods that include at least those recited steps. It does not.

The Office apparently relies on column 8 of Greenhill as allegedly “teaching various polymers” having the noted steps of the pending method claims. See Office Action at 2. But the Office does not cite where Greenhill discloses the noted attributes of the at least one flocculation polymer recited in claims 1, 35, and 38. Specifically, the Office does not point out where Greenhill discloses a selective flocculation polymer having “a measured anionicity ranging from about 1% to about 12%,” “manufactured by a continuous process and [having] a measured anionicity ranging from about 1% to about 12%,” or having a “narrow range of variability for measured anionicity and . . . a measured anionicity ranging from about 1% to about 12%.”

Greenhill is silent regarding the attributes of measured anionicity, narrow range of variability, and method of production. For example, the U.S. publication for this application discusses measured anionicity at paragraph [0041] as referring “to the total charge density, which includes charge resulting from the copolymerization reaction (i.e., theoretical charge density), plus the charge contribution originating from hydrolysis of functional groups.” Greenhill says nothing about the measured anionicity of its flocculation polymers, or about the “narrow range of variability for measured anionicity” for those polymers. Those of skill in the art readily understand that flocculating agents can have varying charge density, even different polymers within the same generally

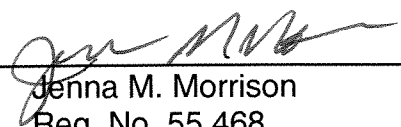
class of polymers. See, e.g., U.S. Patent No. 6,307,013[†] at Table 1. Accordingly, Greenhill does not teach the selection of at least one selective flocculation polymer with a measured anionicity ranging from about 1% to about 12%, or polymers with a “narrow range of variability for measured anionicity.” Moreover, Greenhill’s disclosure of the genus of flocculation polymers does not anticipate the species of selective flocculation polymers with a measured anionicity ranging from about 1% to about 12%, or the species of polymers with a “narrow range of variability for measured anionicity.” See MPEP § 2131.02. Finally, Greenhill does not teach the specific use of selective flocculation polymers with a measured anionicity ranging from about 1% to about 12%, or polymers with a “narrow range of variability for measured anionicity,” or that such polymers would have been desirable as part of the disclosed purification process.

For at least those reasons, the Office has not provided a proper statement of anticipation for the pending claims over Greenhill. Applicant respectfully requests the reconsideration and withdrawal of the rejection and the timely allowance of the pending claims. Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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[†] U.S. Patent No. 6,307,013 was listed in the Information Disclosure Statement dated March 23, 2006.